THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15136 of 2007

Dated: 17-07-2007

Between:

Smt.Mukkera Seethamma and another.

..... PETITIONERS

AND

The Tahsildar, Khammam, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15136 of 2007

ORDER:

The two petitioners are aggrieved by the notice dated 11.06.2007 issued by first respondent calling upon first petitioner to produce legal heir certificate issued to her for cancellation. She was also informed that criminal action will be initiated against her.

The affidavit in support of the writ petition is filed by first petitioner. She states that her son – Mukkera Krishna Reddy, who was working as Constable in Khamma, died on 10.02.2003. Second petitioner is her grandson, being son of Krishna Reddy. Her daughter-in-law predeceased her son on 27.12.2002. Based on these allegations, she applied for legal heir certificate. First respondent issued legal heir certificate in D.Dis.No.E/2068/05 dated 28.03.2005. She also alleges that the Court of the Principal Junior Civil Judge, Khammam, also issued succession certificate on 08.07.2004.

Second respondent filed an objection petition before first respondent protesting against issuance of legal heir certificate dated 28.03.2005 to first petitioner. She (second respondent) alleged that she married Krishna Reddy as second wife and that by the time Krishna Reddy died she had one daughter – Bhargavi and one son – Krupakar Reddy, who are legal heirs of Krishna Reddy. She filed O.S.No.103 of 2005 on the file of the Court of the Sub-Divisional Magistrate (Mobile Court), Bhadrachalam and obtained succession certificate. She also alleged that the petitioners herein obtained legal heir certificate by giving false information and withholding accurate information.

The learned counsel for the petitioners submits that first respondent failed to verify the records and issued the impugned order dated 11.06.2007 in arbitrary manner. He also submits that the petitioners were not parties to O.S.No.103 of 2005 filed by second respondent and therefore, based on the same first respondent cannot be permitted to cancel the legal heir certificate issued to first petitioner.

The impugned order dated 11.06.2007 is in the form of a notice. First petitioner was asked to produce legal heir certificate, while producing the same she can always raise objections for cancellation of the same. Further nothing prevents her to produce a copy of the succession certificate dated 08.07.2004 issued by the learned Principal Junior Civil Judge, Khammam, which was granted subsequent to the legal heir certificate issued to her. In such an event, there cannot be any doubt that first respondent has to leave the parties to settle the dispute regarding the legal heir ship to a competent Civil Court. The petitioners are given liberty to file objection petition before first respondent, which

shall be considered in accordance with law.

The writ petition is misconceived and the same, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

17th July, 2007
ghn